



Austin City Council MINUTES

For JULY 28, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, approved minutes for regular meeting of July 21, 1988 and special meeting of July 19, 1988. (4-0 Vote, Councilmembers Urdy, Shipman and Carl-Mitchell out of the room.)

CITIZEN COMMUNICATIONS

Mr. Ed Ramsey did not appear, nor did Mr. Don McCullar. Mr. Jerome Kroll discussed Zoning Case No. C14-88-0053, regarding a bar establishment. Mr. Randal Morgan did not speak. Mr. Theodore Zimmerman discussed Ordinance No. 880218-H, regarding roofing. Mayor Cooke requested a report be given on the ordinance on August 11, 1988 at 2:00 p.m. Ms. Connie Moore discussed water and electric service at 709 Bouldin. Staff is to bring back information to Council on August 4, 1988. Ms. Mary Brown talked about the Minority Business Ordinance. Mr. James A. Harper did not speak. Mr. Audley Blackburn discussed a meeting between the Affirmative Action Plan Task Force and the Legal Department. Mr. Stan Watts discussed the City of Austin Smoking Ordinance.

ITEMS POSTPONED

Postponed indefinitely is consideration of authorization and approval of the selection of Parkhill, Smith and Cooper, Inc. for professional engineering services for the Hornsby Bend Sludge Digester Nos. 7,8,9 and 10 Rehabilitation Program.

Postponed to August 11, 1988 is consideration of approval of the 1988 Annexation Program.

Postponed to August 4, 1988 is Evaluation of Energy Loan Program.

The Mexican American Cultural Center Task Force report on site designation approval was not presented.

Postponed to August 4, 1988 is consideration of the contract for:

Beldon Roofing and Remodeling 5039 West Avenue San Antonio, Texas	- Re-roofing of Rosewood Zaragosa Health Clinic, 2801 Webberville General Service Department Total \$63,336.00 C.M.D. Project No. 88-02
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ECONOMIC DEVELOPMENT COMMISSION REPORT

Jim Butler, Economic Development Commission, presented a report on Proposed Austin Technology Incubator and Enterprise Zone Program.

ENTERPRISE ZONE

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution authorizing the execution of Agreements for Designation of an Enterprise Zone with the Texas Department of Commerce. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

STATE ENTERPRISE PROJECT

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution approving the nomination of Continental Texas Corporation for designation as a State enterprise project by the Texas Department of Commerce under the Texas Enterprise Zone Act and authorize the City Manager or his designee to submit a grant application for project designation to the Texas Department of Commerce. (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

OLD BUSINESS - ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

Reserve Road

Approved assigning the name "RESERVE ROAD" to an unnamed park road which extends from a west 1st Street ramp in an easterly direction to the Humane Society of Austin Shelter, 1,600 feet, more or less.

Employee Retirement Incentive

Amended the Employee Retirement Ordinance No. 821118-G to

provide a Retirement Incentive Program as recommended by the Retirement Board with the amendment that any positions where the employee chooses to take advantage of the early retirement incentive, the City Manager is directed not to fill that permanently until the amount of the terminal pay has been utilized by leaving the position vacant.

Solid Waste Advisory Commission

Approved amending Ordinance No. 880609-L by adding to the duties of the Solid Waste Advisory Commission.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Urdy out of the room)

Vesting

Amended Ordinance No. 821118-G to provide five year vesting and to allow buy backs of prior service credits.

Ordinance Correction

Amended the following ordinance to correct the legal description or use designation:

- a. Ordinance No. 851219-DD, Case No. C14r-84-237, locally known as 10909 F.M. 2222

Meeting Cancelled

Cancelled the regular meeting of the City Council August 18, 1988.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions all in one consent motion: (4-0 Vote, Councilmembers Nofziger, Urdy and Barnstone out of the room)

Release of Easement

Approve release of the following easements:

- a. The 5' PUE provided by Plat in Book 22 at Page 23 of the Travis County Real Property Records, the 10' Electric Easement provided by Plat in Book 22 at Page 23 of the Travis County Real Property Records, and a Blanket PUE and Drainage Easement retained at the vacation of Wade Avenue and of record in Volume 3428, Page 481 of the Travis

County Real Property Records, and a Blanket PUE and Drainage Easement retained at the vacation of Wade Avenue and of record in Volume 3428, Page 481 of the Travis County Real Property Records, which easements are located on property locally known as 3406 Timberwood Circle. (Request submitted by Mr. John Vineyard III)

- b. A portion of the Public Utility and Drainage Easement on Lot 32, Twin Mesa locally known as 8300 Adirondack Trail.

Arrowwood Subdivision

Authorized an amendment to a 1984 License Agreement with the Missouri Pacific Railroad for drainage facilities to be placed in the railroad's right-of-way in conjunction with the Arrowwood Subdivision.

Contract Approved

Approved the following contract:

CAPITAL CITY UTILITIES (WBE)
P.O. Box 670
Buda, Texas

- Twelve (12) Inch Water Line,
Loyola and U.S. Hwy. 183, Water
and Wastewater Department,
Total \$65,121.00 88-C108-JJ
(EMERGENCY CONTRACT AWARD)

KATY

Approved changing the name of the Old Missouri, Kansas and Texas Railroad right-of-way from MOKAN to KATY.

JAPANESE TRADE EXCHANGE

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance appropriating \$15,000.00 from the Economic Development and International Trade Fund Interest Earnings to the Austin-San Antonio Corridor Council to support the Japanese-Texas Exchange. (5-0 Vote, Councilmembers Barnstone and Nofziger out of the room.)

REFUNDING BONDS FOR WILLIAMSON COUNTY MUD NO. 1

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving the refunding of bonds, series 1988 in the amount of \$3,325,000.00 for Williamson County MUD No. 1. (5-0 Vote, Councilmembers Barnstone and Nofziger out of the room)

LANTANA SUBDIVISION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, adopted a resolution approving Lantana

Subdivision and other related items. (7-0 Vote)

AQUA FEST STREET CLOSURES

Mayor Pro Tem Shipman introduced a discussion and action regarding street closures for Aqua Fest.

Mr. Jordan, Director of Parks and Recreation, said there will be two streets closed for the Bouldin Creek neighborhood and six for Zilker Park neighborhood. There will be security personnel manning the barricades in the Bouldin Creek neighborhood. The Zilker Park neighborhood will have barricades only. Mr. Jordan said the barricades will be put out at 6 p.m. each night and taken down around 11-12 p.m. This will be done for the duration of Aqua Fest, and Aqua Fest has agreed to pick up the cost. Notices will be sent to residences involved. Mr. Jordan stated, "We are looking forward to evaluating this process and if it does work successfully then we will incorporate this into our policy for the future for any concert. There is total agreement on what we are going to do."

RECESS

Council recessed its meeting from 3:00 to 3:17 P.M.

HEARING SET

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, set a public hearing on an appeal on the Planning Commission's decision concerning the Robert Mueller Municipal Airport Cargo Facility (Case No. SP-88-0045C), as requested by Mr. Douglas A. Gimenez and Mr. Earl E. Burg. Date and Time: August 25, 1988 at 3:15 p.m. (4-0 Vote, Councilmembers Urdy, Barnstone and Carl-Mitchell out of the room.)

PAVING ASSESSMENTS

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, passed through the THIRD READING of an ordinance on paving assessments to be levied on the following: (4-2-0 Vote, Councilmembers Humphrey & Urdy voted No, Councilmember Barnstone out of the room.)

- (1) MONTOPOLIS DRIVE, consisting of one unit covering approximately 17 blocks. C.I.P. No. 78/62-09
- (2) RIVERSIDE DRIVE, consisting of one unit covering approximately 30 blocks. C.I.P. No. 73/62-03

ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-1 Vote, Mayor Pro Tem Shipman voted No.)

7/28/88

(1) JAMES MELTON
C14-87-CO

10005 Hidden
Meadow

From Tr. 1 "SF-2" & "LO"
Tr. 2 "SF-2"
to Tr. 1 "GR-CO"
Tr. 2 "LO-CO"

First reading on January 14, 1988, (6-1). Councilmember Shipman voted "No". Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. The right-of-way dedication requirement has been satisfied through subdivision. Conditional Overlay incorporates conditions imposed by Council.

RECESS

Council recessed its meeting from 3:25 to 4:00 P.M.

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed ordinances or through first reading where applicable, and postponed if necessary. Disposition of cases follows each listing.

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| (1) | -86
047 | EAST BEN WHITE
JOINT VENTURE
By Meyer, Lytton,
Allen Whitaker, Inc. | 6500-7000 E. Ben
White Boulevard | From "DR"
To Lot 1A "LI"
Lot 2A "CS"
Lot 1B "LI"
RECOMMENDED six (6)
month extension on
January 28, 1988
APPROVED |
| (2) | -85
180 | MERCURY SAVINGS
ASSOCIATION
By Ken Manning | 11720-11816 Four
Iron Drive | From "I-SF-2"
To "MF-1"
RECOMMENDED DISMISSAL

APPROVED |
| (3) | h-79
004 | SWISHER-SCOTT
HOUSE
By City of Austin | 2408 Sweetbrush
Drive | From "SF-3"
To "SF-3-H"
RECOMMENDED
ORDINANCE |
| (4) | h-86
003 | CONFEDERATE
WOMEN'S HOME
By City of Austin | 3710 Cedar Street | From "SF-3"
To "SF-3-H"
RECOMMENDED
ORDINANCE |
| (5) | -88
0028 | CITY OF AUSTIN
By Parks and
Recreation Dept. | South Lakeshore
& Grove Blvd. | From "I-SF-3",
"SF-3"
To "P"
RECOMMENDED
ORDINANCE |

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|------|-------------|--|--|---|
| (6) | -88
0029 | CITY OF AUSTIN
By Parks and
Recreation Dept. | Riverview Street &
Pedernales Street | From "SF-2", "SF-3",
"LO", "GO",
"CS"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |
| (7) | -88
0030 | CITY OF AUSTIN
By Parks and
Recreation Dept. | Brazos Street &
Willow Street | From "SF-3", "LO"
"CS", "CS-1",
"UNZ"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |
| (8) | -88
0031 | CITY OF AUSTIN
By Parks and
Recreation Dept. | S. IH 35 Service Rd.
SB and E. Riverside
Drive | From "SF-3", "GO"
"SF-3-H", "LO"
To "P", "P-H"
<u>RECOMMENDED
ORDINANCE</u> |
| (9) | -88
0032 | CITY OF AUSTIN
By Parks and
Recreation Dept. | Stephen F. Austin
Drive | From "SF-3", "CS",
"UNZ"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |
| (10) | -88
0033 | CITY OF AUSTIN
By Parks and
Recreation Dept. | North Lamar Blvd. &
West 1st Street | From "LI", "UNZ"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |
| (11) | -88
0035 | CITY OF AUSTIN
By Parks and
Recreation Dept. | South 1st Street &
West 1st Street | From "UNZ"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |
| (12) | -88
0036 | CENTEX MATERIALS,
INC.
By Small, Craig
& Werkanthin | 16438 IH-35 North
Service Rd. SB | From "DR"
To "LI"
<u>RECOMMENDED
ORDINANCE</u> |
| (13) | -88
0041 | CITY OF AUSTIN
By Office of
Land Development
Services | 4900 Nuckols
Crossing | From "I-SF-2"
To "SF-2"
<u>RECOMMENDED
ORDINANCE</u> |
| (14) | -88
0044 | CITY OF AUSTIN
By Office of
Land Development
Services | 11007 F.M. 2222 Rd. | From "I-SF-2"
To "SF-2"
<u>RECOMMENDED
ORDINANCE</u> |
| (15) | -86
297 | CITY OF AUSTIN
By Electric
Utility Department | 1312 Rutherford Lane | From "LI"
To "P"
<u>RECOMMENDED
ORDINANCE</u> |

(16) -88 METRO AUTO 8605-8821 Cullen From "DR"
 0040 AUCTION Lane To "CS"
 By Donna 8530 S. Congress FIRST READING
 Kristaponis Avenue
 1315 W. Slaughter
 Lane

RECOMMENDED "CS-CO" General Commercial Services District with a Conditional Overlay District, subject to the following conditions: Provide a 25-foot landscaped setback of buildings and parking areas from all streets, with the exception of a 10-foot landscaped setback from Cullen Road (Conditional Overlay). Maximum FAR of .10 (Conditional Overlay). Cease operation of any non-conforming uses not permitted in the "CS" district prior to issuance of a Certificate of Occupancy (restrictive covenant). Dedicate up to 35 feet of right-of-way from the centerline of Slaughter Lane and Cullen Road prior to final ordinance passage. Also noting that the applicant has voluntarily agreed to remove the nonconforming portable sign from the premises.

(17) -88 WASTE MANAGEMENT 9708 Giles Roads From "DR"
 0043 OF NORTH AMERICA To "P-CO"
 By Espey, Huston FIRST READING
 and Associates

RECOMMENDED "P-CO" Public-Conditional Overlay District Zoning subject to the dedication of 60 feet of right-of-way from the centerline of Giles Road. The Conditional Overlay would require compliance with the performance standards of Section 2836 of the Zoning Ordinance.

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote)

(18) -88 FIRST FEDERAL 5108-5919 Boston From "RR", "SF-1",
 0052 SAVINGS Lane "SF-6"
 By Clark, Thomas, To "SF-2" & "RR"
 Winters & Newton FIRST READING
 By Terrence Irion

RECOMMENDED "SF-2" Tracts 100, 102, 104 & 108 and "RR" for Tract 103. Only 61 additional units can be occupied before removing the existing package plant. Note that this recommendation does not prejudice the Commission's ability to address environmental issues through the subdivision variance process.

(Zoning request passed on first reading on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote. Council then reconsidered on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 7-0 Vote, Comments were made by Council, with a transcript of comments on file in City Clerk's office. Another vote was taken, passing the ordinance through FIRST READING ONLY, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, 7-0 Vote)

7/28/88

(19) -88 ROGER JOSEPH 9000-9099 Cameron From "SF-3"
 0038 PROPERTIES Road To "LI"
 By Scott Young

GRANTED "LI" AND "RR", DELETED THE
 FILTRATION REQUIREMENT AND APPROVED
 100' BUFFER AT NARROWEST PART

FIRST READING

RECOMMENDED "LI" Limited Industrial Zoning and "RR" Rural Residential for the 100 year floodplain; subject to right-of-way dedication for Cameron Road. "LI" zoning to be limited to industrial and office uses unless a TIA is submitted which indicates that the traffic can be accommodated at an acceptable level of service; require runoff from site to be filtered. Recommend staff create criteria for "IP" zoning. Request this item to be discussed at Planning Commission retreat.

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Urdy to close the public hearing and grant "LI" & "RR", delete the filtration requirement, with a friendly amendment by Councilmember Humphrey to have a 100' buffer at the narrowest part.

Substitute Motion - FAILED

Councilmember Carl-Mitchell offered a substitute motion, seconded by Councilmember Nofziger, to approve the staff recommendation of "IP" with trip limitation and maintain the filtration requirement. Motion FAILED by a vote of 2-4 with Councilmembers Humphrey, Urdy, Mayor Cooke and Councilmember Barnstone voting No.

Roll Call on Motion

5-2 Vote, Mayor Pro Tem Shipman,
 Councilmember Carl-Mitchell
 voted No.

(20) -87 SAS INSTITUTE, 100 ft. along the From "DR"
 126 INC. North Side of To "R & D/PDA"
 By Land Concepts Parke Avenue FIRST READING

RECOMMENDED "R&D/PDA" subject to the TIA recommendations, modification of conditional #6 of the October 6, 1987 Planning Commission motion (on Tract A), to allow a building height of 45 feet for phase one and 60 feet for phase two; subject to compatibility standards. Approve the PDA agreement, subject to: The annexation language proposed by the applicant and submittal of documentation (to the Transportation staff of Office of Land Development Services) that justifies the proposed reduction in the number of required parking spaces from 1,000 to 897.

- (21) -88 GRANT D. COFFMAN 1301 East 12th Street From "SF-3"
0054 By Austin Economic Development Corp. To "LR"
FIRST READING

RECOMMENDED "LR" subject to retaining the existing primary structure, or, in case of accidental destruction or required demolition, limiting a new structure to no more than 1,968 square feet and architectural style of existing structure. Planning Commission recommends City Council grant waiver from right-of-way dedication.

- (22) r-86 OUTER LOOP JOINT 13505 RM 620 North From "SF-2"
060 VENTURE (NB) To "GR" - CO"
By Jackson Associates FIRST READING

RECOMMENDED "GR-CO" limited to "LR" uses and car wash, and subject to on-site filtration.

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote)

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- (23) -84 CENTRAL TEXAS 5311-5613 E. From "I-SF-2", "SF-3"
343 EQUIPMENT CO. Riverside Drive To "IP"
By John Sharkey NOT RECOMMENDED
POSTPONED TO 8/25/88
- (24) -88 SOUTH 1ST PLACE 709 W. William From "GR"
0047 LTD. Cannon To "CS-1"
By Darrell Jones NOT RECOMMENDED
POSTPONED TO 8/25/88
- (25) -88 LOUIS LAIBOVITZ 2828 Rio Grande St. From "CS"
0053 By E. K. Brittain 2830 Rio Grande St. To "CS-1"
NOT RECOMMENDED
POSTPONED TO 8/25/88
- (26) -88 PROVIDENT 7400 Blue Goose From "SF-4"
0067 DEVELOPMENT CO. Road To "SF-2"
By Jansing Assoc. NO RECOMMENDATION
FIRST READING

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote)

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- (27) h-88 WEST 24TH STREET West 24th Street From "P"
0003 BRIDGE West of Lamar To "P-H"
By City of Austin Boulevard NO RECOMMENDATION
POSTPONED TO 9/29/88

SMALL PROJECTS

The Council, on Councilmember Barnstone's motion, Councilmember Urdy's second, passed through SECOND READING of an ordinance amending Chapter 13-1 Section 604 of the Austin City Code regarding small projects. (4-3 Vote, Mayor Pro Tem Shipman, Councilmember Nofziger and Councilmember Carl-Mitchell voted No.)

Mayor Pro Tem Shipman had made a substitute motion, seconded by Councilmember Carl-Mitchell, which failed, 3-4 (Mayor Cooke, Councilmember Barnstone, Humphrey and Urdy voting No), to include notification within 5000 square feet.

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

- b. ETSI Pipeline Project, et al v. Burlington Northern, Inc., et al, C.A. No. B-84-979-CA

RECESS

Council recessed from 5:45 to 6:15 P.M. for executive session.

PUBLIC HEARING - PREVAILING WAGE RATE

Mayor Cooke opened the public hearing set for 6 P.M. on adoption of the AISD/County of Travis prevailing wage rate. People who spoke have their registration cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance adopting the AISD/County of Travis prevailing wage rate. (5-2, Councilmember Carl-Mitchell and Mayor Pro Tem Shipman voted No.) (They will review when a new survey is done.)

COAL AGREEMENT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, adopted a resolution concerning a 10 year coal agreement with Burlington Northern, Inc. (7-0 Vote) (This item was discussed during executive session)

ADJOURNMENT - Council adjourned its meeting at 10:20 P.M.